G. R. S. 58]

Previous references.

CS-180-10-12
-169-12-15

1915. 16
(Courts)

File No. 219-15

Serial Nos. 1- 6

Later references.

CS-72-36-1-16

Preserve
Upon
14/11/27

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1- 6

Part B for Mar 16

SUBJECT. Surrender of one Apprehension of deserter Syed Hussain a sepoy of the Mysore Infantry.

By To The Chief Commandant Mysore State Troops.
No. 3549 Dy 29.2.16.

State that under some circumstances the Hon'ble the Resident is unable to make a requisition to the Bombay Govt for his surrender.

W D 1351—GPB—20,000—13-12-15

Meghoul
27/3/16.

G. R. S. 11] 1915—16 Lycia 13

GENERAL AND REVENUE SECRETARIAT.

(Mily Cons)

NOTES.

2198

File No. 150

FILE HEADING.

~~Escort to be get back deserters from the Nyasaland troops.~~ Apprehension & Surrender of deserter Syed Hussain, a Sepoy of the Nyasa Regiment.

From H.E. Brig Commandant M.S.T.

No. 7253 Dated 24.1.1916. Received 25.1.16.

Diary No. 6537	Enclos. —	Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction for the despatch of an escort to Pagwa to get back a deserter from the 1st Battalion who is arrested by the Police Inspector at that place

NOTES AND ORDERS.

1) Submitted. ~~with a draft~~ ~~sanctioning~~. Dr III may be consulted whether the deserter is not to be brought under an Extradition warrant?

NOTES—First Sheet.

GPB—20,000—8-2-14

6557 (2

G. R. S. 12]

General and Revenue Secretariat. | ~~Mily~~ File No. 180 of 1915-16

J. M. 989-15

Serial No.

whether the escort from here could legally cross Br. territory.

26/1. 2)

28/1-16

Rec'd 3.30 p.m.

Subd.

Kg. 29-1-16

3) Putup the G.O.s relating to extradition of prisoners by British Police Officers

Ch. 29/1/16

Ch. o.:

Subd.

4) The G.O. cases be taken regarding escort to Mysore prisoners arrested in the Bombay Presidency or in other parts of Br: India the practice hitherto has been for the Br: Police to escort the prisoner to the place, and hand him over to the officer, mentioned in the extradition warrant issued by the Residency: these particulars are furnished in a statement that accompanies the application for extradition warrant.

For H. of the Pro: Vol for July 1900 page 31 for July 1900 - Opened copies not available -

5) There is a G.O. in the converse case, viz, Surrender of prisoners from Mysore to Bombay, which directs that such prisoners shall be escorted by the Mysore Police & handed over to the Br: Police at the frontier or at the nearest R.S. Station where the C & M Station Police are stationed.

Kg. 31.1.16

NOTE—Contn. sheet.

GPB—28,000—30-6-15

G. R. S. 12]

General and Revenue Secretariat.

File No. 180 of 1915.

Serial No.	
	6) In such cases an extradition warrant must first be applied for after a prima facie case is made out on enquiry. When the warrant is sent for this purpose, due arrangements will be made for the delivery of the accused to the State authorities. But as the accused belongs to H. H. Dept., Extradition Act does not apply. EB 2/2/
	7) Submitted with a draft for approval & Memorandum. 1/2. HB 2/2-16
	8) Forwarded a.o to the Govt Advocate for favour of opinion. Dues & Rao 5/2
	9) In the case of an Extradition offence, application has to be made to the Residency for the issue of an Extradition warrant under Sec 7 of the Indian Extradition act, 1903. When issuing the Extradition warrant the Residency presumably makes the necessary arrangements for the escort of the offender, until his surrender to the authorities in the Mysore

This procedure is necessary only in extradition cases. Dues 5/2

When there can be no legal reference in the matter. Dues 5/2

L 111

Govt. O. 128-15 Ce V 7/2

Govt. O. 26 of 15-16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

(4

General and Revenue Secretariat. | File No. 45 / 49 of 191 .

Serial No.

State.

10). In the Case of a non-Extradition Offence, such as the one now Complained of, the Mysore State Can obtain surrender only by a requisition made under Sec 9 of the Act. In Either Case the Offender Can be escorted only by British Police while he passes through British Territory or Railways under British jurisdiction. The Mysore Escort will have no legal power of detention in those places.

Secretary.
for Secy. 6.2.16.

11) Submitted with reference to para. 8 with a revised draft.

Yr. obt. Servt.) 7/2-16

12) 7/2.
Myk today submit to Second Member for their perusal, as the matter is urgent.

Date 7/2

2 To the Chief Cond. Dr. S. T. 7/2-16
No. G. 1169 M 7-2-16
Stating that the Draft

G. R. S. 12]

General and Revenue Secretariat.

File No. 6537/7200 of 191 .

Serial No.

Cannot be brought under an escort unquestioning to furnish a descriptive roll for transmission a requisition for his transfer

(13) Submitted with reference to para. 12.

7/2. Second Member — 8/2-16

(14) Approved.

(15) The Asst. Lt. Colonel should examine such important cases with more care when using

9/2/16 Omitted

10/2-16

3 From

The Chief Commr., Andaman & N. I.

No. 1254 dated 12/2/16.

Forwarding the descriptive roll called for in

Subd.

(16) As such cases are usually dealt with in Br III the file will if approved be transferred thereto for further action.

Dr III

15/2 15/2-16

Ch 16/2

NOTE—Contn. sheet.

f 2323
f 2278

6

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 29 of 191 5-16

Extradition Act
stent up

Serial No.

17) Subd for orders with a draft to the F. A. Resident. [The statement has been prepared in consultation with the Clerk in ch. of the mil Sec"].

Hg.
16.2.16
NN

6

18) Issue
Hg
16/2

Warrant to Bdy
3 Pm
Sent

4 To The F. A. Resident
No 822 dy 16.2.1916

Requests that the Hon'ble the Resident may be moved to make a requisition to the Govt of Bombay under Sec. 9 of the Indian Extradition Act for the Surrender of the deserter.

5 From the Secy to Govt
No 1218 dy 19.2.1916

States that the Resident regrets inability to address the Govt of Bombay in the matter & points out that desertion is an extraditable offence only in the Case of Imperial Service Troops.

19) As desertion from the Local Service Troops is not an extraditable offence, the Residency was not requested for an extradition warrant but only for a requisition to the Local Govt under Sec. 9 of the Act.

Subd for orders.

Extradition Act put up

Hg.
21/2/1916

20) Put up previous cases dealt with under S. 9.

21/2/16

Hg
21/2/16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

2323

(7)

General and Revenue Secretariat. | ct File No. 219 of 1915-16

	Serial No.	
Hee Mily Regn is said to have been made applicable to the L.S. Troops only recently Hence there no case of requisition for the surrender of L.S. deserters has come up. Endt to ct	21)	A Case in which a convict was surrendered by the Govt of Madras on a requisition from the Residency under Sec. 9 of this Act is traced & put up.
16-12-16	22)	23-2-16 This case does not seem to be in point as the offences were there extraditable ones.

For the purposes of the Extradition Act, "offences" can be divided into 2 classes:-

1. Extradition offences, that is, those that are specifically mentioned in the schedule to the Extradition Act, and
2. Non Extradition offences, that is, those that are not so mentioned.

The procedure in regard to the former class of "offences" is provided for in S 7 of the Extradition Act, and that in regard to the latter in S. 9. But this classification ignores an important class of acts which are offences under the law of Mysore, but which are not offences under the law of British India. In the Extradition Act, the word "offence" has been defined to include "any act, wheresoever committed which would, if committed in British India, constitute an offence." Then, according to the definition given in the Act, in order that

NOTE—Contn. sheet.

GPB—70,000—17-12-15

2323

(16

G. R. S. 12]

General and Revenue Secretariat. | 05 File No. 219 of 1915 (16

Serial No.

an act may come within the scope of the Act, it must be an offence both in Myore and in British India. Hence offences which are so under the law in Myore, but which are not offences under the British India law do not come under the purview of the Extradition Act, and the procedure prescribed under 89 or 89 does not apply to such cases. Offences under the Mines Regulation, Game Preserve Regulation, Infant Marriage Regulation &c are offences which come under this category. In such cases if the offender escapes into British India, we cannot ask for his extradition. The case now in question, is also one which comes under this category. Desertion from the Local Service troops is not offence under the laws British India. I mean there are no corresponding troops or army in British India, desertion from which is treated as an offence. This view is further strengthened from Mr Warburton's letter No 3295 of 12-6-1911, In that case, extradition was asked for in connection with deserter from the Imperial Service troops from Ceylon, but as such an act was no offence in Ceylon, it was refused.

L

NOTE—Contn. sheet.

GPB—70,000—17-12-15

2323

(W)

G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 219 of 1915.

Serial No.

23) Hence in this present case also, I beg to submit that the Estradiction Act does not apply, and the view of the Residency seems to be correct. If approved, this will be communicated to the Chief Commandant.

Eg
25/2

Dist. Member
Secnd member

24) We have no other Course open — [signature]

25/2/16

Pol
26/2/16
Eg 26/2

25) I agree
with
28/2

Pol
28/2/16

4-40 pm
Ch
28/2

26) Draft
Eg 28/2

Draft subs.
Eg. 28/2/16

27) Issue
Eg 29/2

6 — to the Chief Commandant

No 3549

29-2-1916

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

(12

General and Revenue Secretariat. | & File No. 219 of 1915.

Serial No.	
	States that the Honble the Resident regrets his inability to make a requisition to the Govt of Bombay for the surrender of the deserter

W. D. 0911—GPB—1,500—17-9-15

C. C. O. 3]

OFFICE OF THE CHIEF COMMANDANT,
MYSORE STATE TROOPS,
Dated Bangalore, the 24th January 1916.

Address. Postal: Window delivery, No. 13, Bangalore.
Telegraphic: "Statroops" Bangalore.

Urgent

No. 1255
Enc. A -

6537
15. 16
Sec 15
180-15 29-15

FROM

Colonel.J.Desaraj Urs, C.I.E., M.V.O.,
Chief Commandant, Mysore State Troops,
Bangalore:

To

D.M.Narasinga Rao Esq.B.A.B.L.,
Secretary to Govt of H.H.the Maharaja
of Mysore General Department.

Sir,

I have the honor to state that the Commandant 1st Battalion at Shimoga has wired to say that the Police Inspect-or at Poona has arrested a deserter from the 1st Battalion Mysore Infantry and wants an escort to take the deserter back to Shimoga. In this -- connection I should state that to enforce the Military Regulations in the Infantry Regiments it is necessary to send the escort and get the deserter back to his Regiment for trial and punishment. If this meets with the approval of Government very early sanction may be obtained for the despatch of the escort to Poona to take over the de-serter.

I have the honor to be,
Sir,
Your most obedient servant,
J Desaraj Urs
Colonel.

Chief Commandant,
Mysore State Troops.

Application for a Warrant under Act XV of 1903, the Indian Extradition Act.

(4)

---

1. Officer to whom the warrant should be issued.	District Magistrate, Poona
2. ~~Magistrate of the District~~ Name of the Officer who wants the warrant issued.	Chief Commandant, Mysore State Troops
3. Name and description of accused person.	Syed Hussain, Sepoy No 41, 2nd Company, 1st Battalion, Mysore Infantry
4. Where or under whose custody the accused person is supposed to be.	Reported to be under the custody of the Police at Poona
5. Name of the offence committed, and section of the ~~Indian Penal Code~~ Law under which the accused is charged.	Desertion, Sec. 81 read with Sec. 93 of the Mysore Mily Regulation, 1899
6. Officer to whom the accused should be surrendered.	Commandant, 1st Battalion Mysore Infantry
7. Place at which the accused should be delivered.	Shimoga
8. Whether the accused is a British subject, a subject of Mysore, or to which State he belongs.	Mysore Subject

MYSORE GOVT. GENL. & REV. SECRETARIAT,

Bangalore 191 .

for *Secretary to Govt.*

GPB—1,000—14-12-10

G. R. S. 26]

File No. 180-18

Serial No. 2

Diary No. of letter replied to .....

No. 9 11169

General and Revenue Secretariat

( )

, *the* 191 .

To

The Chief Cond!r, Dn S.T.

Date of issue 7-2-16

Signed by Dwn D.S. Rao

Sir,

With reference to your letter No 7255 dated the 24th January 1916, I am directed to state that ~~to bring~~ the deserter cannot legally be brought in question under an escort as suggested by you ~~is illegal~~ as the Mysore escort will have no legal power of detention in places beyond the State and that the proper course in ~~such cases~~ is to

over.

SUBJECT.

obtain the surrender of the offender by a requisition made under section 9 of the Indian Extradition Act, 1903.

2. I am accordingly to request you to kindly furnish this office with a descriptive roll of the deserter as early as possible so that the necessary requisition may be made to the Residency.

I have &c

Secy to Govt

List of enclosures

Copied by

Examined by

GPB—20,000—10-10-14

V/14/7F

W. D. 0911—GPB—1,500—17-9-15

(17)

C. C. O. 3]

OFFICE OF THE CHIEF COMMANDANT,
MYSORE STATE TROOPS,

Dated Bangalore, the 12th February 1916.

Address. { Postal: Window delivery, No. 13, Bangalore. / Telegraphic: "Statroops" Bangalore.

DIARY NO. 7233 / 2278

No. 7824 / Mily
Enc. 1

[illegible] 16.
SECTION [illegible] 15.
FILE [illegible] 180 / 15.
SER [illegible] 3.

FROM

Colonel J.Desaraj Urs C.I.E. M.V.O.
Chief Commandant, Mysore State Troops,
Bangalore.

To D.M.Narasinga Rao Esq. B.A. B.L.
Secretaryto the Govt of H.H.the Maharaja of
Mysore, General Department.

Sir,

With reference to your letter No G 11169/Mily 180-15-2 dated the 7th February 1916, I have the honor to forward herewith the descriptive roll of deserter sepoy Syed Hussain No 41 of 2nd Company, First Battâåion Mysore Infantry and to request that the necessary requisition may be kindly made to the Residency for obtainging a surrender of the deserter under the Indian Extradition Act 1903.

I have the honor to be
Sir,
Your most obedient servant,

J Desaraj Urs
Colonel
Chief Commandant
Mysore State Troops.

Yes

Memo showing the descriptive roll etc of deserted Sepoy Syed Hussain No 41 of 2nd Company First Battalion Mysore Infantry.

- - - - - - -

Company -- 2nd

No 41.

Grade - 3rd

Name. Syed Hussain

Father's name. Syed Ibrahim.

Caste- Mahomedan.

Country- Shimoga.

Age - 17 years

Height. - 5 feet 6 inches

Chest measurements
Above nipple -- 33 inches
Below nipple - 32 inches.

Marks- A mole near left ankle. A small scar about the middle of forehead.

Remarks. Deserted from 12th January 1916, and is reported to have been arrested by the Police at Poona.

- - - - - -

OFFICE OF THE CHIEF COMMANDANT MYSORE STATE TROOPS

Bangalore
12th February 1916

Colonel
Chief Commandant,
Mysore State Troops

1

16/2 Requisition for the Surrender of a Sepoy of the Mysore Infantry.

G. R. S. 26]

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 191 .

Date of issue 16.2.16

Signed by Hon V. R. Thyagarajaiyer

C5 File No. 219-15
Serial No. 4/19

No. Pol 822
Confdl

To
The F. A. Resident

Sir,

I am directed to state that one Syed Hussain, Sepoy No 41 of the 2nd Company, 1st Battalion of the Mysore Infantry, is reported to have deserted that Corps on 12th Jany 1916 and to have been under arrest at Poona. I am to request that the Hon'ble the Resident may kindly be moved to make a requisition to the Govt of Bombay under Sec. 9 of

O.T. over.

SUBJECT.

2.

of the Indian Expeditionary Act, 1903, for the surrender of the said deserter to the Commandant of the 1st Battalion at Shunigar.

2. A statement* containing* to be typed the necessary particulars for the preparation of the warrant referred to in sub section 8 of Sec 3 of the said Act together with the descriptive* roll of the deserter is herein enclosed.

I have to

[illegible]

for Secy to Govt

Genl Dept.

Reg. GRR.
16/2/1916

List of enclosures

Two

GRR

Copied by

Examined by

GPB—25,000—4-3-13

No. 1218.

Pol 165-2 Dy 21.2.11

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

DIARY No. J 2323
1915-16
CS
February 1916. 29-15
S

Dated Bangalore, 19th

SIR,

With reference to Mr. Thyagaraja Iyer's letter No.822-Pol, dated the 16th February 1916, regarding the surrender of Syed Hussain, who is reported to have deserted from the 1st Battalion of the Mysore Infantry, I am directed to say that the Resident regrets that he is unable to address the Government of Bombay in the matter.

2. I am to point out that desertion is an extraditable offence only in the case of Imperial Service Troops.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

R. O. 2.—R P. B.—2-1916—500.

Ale

22

G. R. S. 26]

05 File No. 29-15
Serial No. 6

Diary No. of letter replied to

No. J 3549

General and Revenue Secretariat
( )
, *the* 191 .

To

The Chief Commandant,
Mysore State Troops,
Bangalore

Date of issue 29th February, 1916

Signed by Mr. C. Sreenivasa Iyer

Sir,

Adverting to correspondence ending with your letter no 7824 dy 12th Feby 1916 forwarding the descriptive roll of deserter Syed Hussain, Sepoy no 41 Company, 1st of the 2nd Battalion of the Mysore Infantry, I am directed to state that there being no troops or army in British India corresponding to the Mysore local

over. C.O.

SUBJECT.

Service Troops, desertion from the latter Corps does not amount to an offence as defined in the Indian Exhaustion Act, 1903. The Hon'ble the Resident therefore reports his inability to make a requisition to the Govt of Bombay for the surrender of the said deserter.

I have &c

Sd
29/2
for Sec to Govt
Genl Deptt.

Copy to BV IV (Mily Secy) for information.

Mg. 28/2/1916

List of enclosures

Copied by

Examined by

GPB—25,000—4-3-13

5